

**REMARKS**

Reconsideration and allowance of the claims are requested in view of the above amendments and the following remarks. Claims 3 and 24 have been amended to correct minor clerical errors. Support for the claim amendments may be found in the specification and claims as originally filed. No new matter has been added.

Upon entry of this amendment, claims 1-30 will be pending in the present application, with claims 1, 10, 19 and 25 being independent.

**1. Rejections Under 35 U.S.C. §102**

The Office Action rejects claims 1, 4-5, 10, 14-15, 18-19, 22-23, 25 and 28-29 under 35 U.S.C. §102(a) as being anticipated by Risvik et al. (U.S. Patent Application Publication No. 2005/0102270). Applicants respectfully traverse this rejection for at least the following reasons.

The Office Action on page 15 asserts that Risvik et al. tracks variables such as hitlimit, percentlimit, ranklimit, termranklimit and minusablehits to determine whether a next tier should be evaluated. Risvik et al. recites in paragraphs 36-37:

The FTA uses a plurality of variables to determine whether a next tier should be evaluated including hitlimit, percentlimit, ranklimit, termranklimit, and minusablehits. The variable hitlimit is the evaluation of the number of hits to be used from a tier before a fall-through to the next tier may be forced . . . Percentlimit is the maximum percentage of hits from a tier that may be used before fall-through to a next tier may be forced . . . Termranklimit--if the relevance score of a hit being considered is less than another variable Ranklimit plus the termranklimit value times the number of terms in the query, then fall-through to the next tier is forced . . . Minusablehits--The number of hits that should pass the above criteria for the FTA for a given tier for there not to be an immediate fall-through to the next tier. This number is typically the number of results presented to a user on a result page. (emphasis added).

Type of Response: Amendment  
Application Number: 10/762,823  
Attorney Docket Number: 305334.01  
Filing Date: January 22, 2004

As indicated in the recitation above, Risvik et al. discloses that calculation of the variables hitlimit, percentlimit, ranklimit, termranklimit and minusablehits is based solely on data associated with a presently searched tier. However, calculation of these variables is not in any way based on the range of static ranks of a next partition to be scanned. In fact, Risvik et al. is completely silent as to the elements of a scorer that calculates a score based on a present set of documents located thus far in the search and on the range of static ranks of a next partition to be scanned, as included in independent claim 1. Independent claims 10, 19 and 25 include similar elements. Consequently, since Risvik et al. fails to disclose, or even suggest, each and every element of independent claims 1, 10, 19 and 25, these claims are allowable.

Furthermore, the Office Action on pages 15-16 asserts that Risvik et al. discloses that the range of static ranks of each tier of the next partition is part of the determination as to whether to move to the next tier as each tier is ranked from high to low based on a range of static ranks. However, using the range of static ranks of each tier of the next partition to determine whether to move to the next tier is not the same as a scorer that calculates a score based on the range of static ranks of a next partition to be scanned. For reference, applicants note that calculation of a score based on the range of static ranks of a next partition to be scanned according to one embodiment is discussed in the specification of the present application at least at, for example, page 8, lines 9-21 and Figure 5 (e.g., steps 540 and 550). Therefore, even assuming that the above assertion regarding Risvik et al. is correct, Risvik et al. still fails to disclose, or even suggest, calculating a score based on the range of static ranks of a next partition to be scanned, as included in independent claim 1 (with similar elements included in independent claims 10, 19 and 25).

Claims 4-5 depend from claim 1. Claims 14-15 and 18 depend from claim 10. Claims 22-23 depend from claim 19. Claims 28-29 depend from claim 25. As discussed above, claims 1, 10, 19 and 25 are allowable. For at least this reason, and the features recited therein, claims 4-

5, 14-15, 18, 22-23 and 28-29 are also allowable.

For at least the above reasons, reconsideration and withdrawal of the rejection of claims 1, 4-5, 10, 14-15, 18-19, 22-23, 25 and 28-29 under 35 U.S.C. §102(a) are respectfully requested.

**2. Rejections Under 35 U.S.C. §103**

**A. Obviousness in view of Risvik et al. and Goodwin et al.**

The Office Action rejects claims 2-3, 6, 11-12, 20-21, 26 and 27 under 35 U.S.C. §103(a) as being unpatentable over Risvik et al. in view of Goodwin et al. (U.S. Patent Application Publication No. 2003/0158866). Applicants respectfully traverse this rejection for at least the following reasons.

As discussed above, Risvik et al. fails to disclose, or even suggest, each and every element of claims 1, 10, 19 and 25. Goodwin et al. fails to cure this defect in Risvik et al.

Goodwin et al. is directed to knowledge management systems and more particularly to a system and method for categorizing and normalizing knowledge data based on user's affinity to knowledge (see paragraph 2). Goodwin et al. discloses a system that asynchronously processes data in a knowledge management system. The system may create associations between users and information resources, personalize and organize knowledge for individuals and communities, and provide a place for teams to work, make decisions, and act. It may also create a searchable index, computes document values, and provides a search-and-browse user interface (see paragraphs 16 and 18). However, Goodwin et al. fails to disclose or suggest at least the elements of a scorer that calculates a score based on a present set of documents located thus far in the search and on the range of static ranks of a next partition to be scanned, as included in independent claim 1. Independent claims 10, 19 and 25 include similar elements. Therefore, since Risvik et al. and Goodwin et al., alone or in combination, fail to disclose or suggest all of the elements of claims 1, 10, 19 and 25, these claims are allowable.

Claims 2-3 and 6 depend from claim 1. Claims 11-12 depend from claim 10. Claims 20-

Type of Response: Amendment  
Application Number: 10/762,823  
Attorney Docket Number: 305334.01  
Filing Date: January 22, 2004

21 depend from claim 19. Claims 26 and 27 depend from claim 25. As discussed above, claims 1, 10, 19 and 25 are allowable. For at least this reason, and the additional features recited therein, claims 2-3, 6, 11-12, 20-21, 26 and 27 also allowable.

For at least the reasons above, reconsideration and withdrawal of the rejection of claims 2-3, 6, 11-12, 20-21, 26 and 27 under 35 U.S.C. §103(a) are respectfully requested.

**B. Obviousness in view of Risvik et al. and Olarig et al.**

The Office Action rejects claims 8 and 13 under 35 U.S.C. §103(a) as being unpatentable over Risvik et al. in view of Olarig et al. (U.S. Patent Application Publication No. 2004/0143707). Applicants respectfully traverse this rejection for at least the following reasons.

As discussed above, Risvik et al. fails to disclose, or even suggest, each and every element of claims 1 and 10. Olarig et al. fails to cure this defect in Risvik et al.

Olarig et al. is directed to cache organization and more particularly to dynamic cache partitioning (see paragraph 5). Olarig et al. discloses a cache-based system that is adapted for dynamic cache partitioning. A cache is partitioned into a plurality of cache partitions for a plurality of entities. Each cache partition can be assigned as a private cache for a different entity. If a first cache partition satisfying a first predetermined cache partition condition and a second cache partition satisfying a second predetermined cache partition condition are detected, then the size of the first cache partition is increased by a predetermined segment and the size of the second cache partition is decreased by the predetermined segment. An entity can perform cacheline replacement exclusively in its assigned cache partition, and also be capable of reading any cache partition (see paragraph 11). However, Olarig et al. fails to disclose or suggest at least the elements of a scorer that calculates a score based on a present set of documents located thus far in the search and on the range of static ranks of a next partition to be scanned, as included in independent claim 1. Independent claim 10 includes similar elements. Therefore, since Risvik et al. and Olarig et al., alone or in combination, fail to disclose or suggest all of the elements of

Type of Response: Amendment  
Application Number: 10/762,823  
Attorney Docket Number: 305334.01  
Filing Date: January 22, 2004

claims 1 and 10, these claims are allowable.

Claim 8 depends from claim 1. Claim 13 depends from claim 10. As discussed above, claims 1 and 10 are allowable. For at least this reason, and the additional features recited therein, claims 8 and 13 are also allowable.

For at least the reasons above, reconsideration and withdrawal of the rejection of claims 8 and 13 under 35 U.S.C. §103(a) are respectfully requested.

**3. Allowable Subject Matter**

The Office Action objects to claims 7, 9, 16-17, 24, and 30 as being dependent upon a rejected base claim, but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 7 and 9 depend from claim 1. Claims 16 and 17 depend from claim 10. Claim 24 depends from claim 19. Claim 30 depends from claim 25. As discussed above, claims 1, 10, 19 and 25 are allowable. Therefore, claims 7, 9, 16, 17, 24 and 30 are dependent upon allowable base claims. For at least this reason, and the additional features therein, claims 7, 9, 16, 17, 24 and 30 are also allowable.

For at least the reasons above, reconsideration and withdrawal of the objection to claims 7, 9, 16, 17, 24 and 30 are respectfully requested.

**4. Conclusion**

Accordingly, in view of the above amendment and remarks it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Reconsideration and reexamination of the present application is requested. Based on the foregoing, applicants respectfully request that the pending claims be allowed, and that a timely Notice of Allowance be issued in this case. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to

Type of Response: Amendment  
Application Number: 10/762,823  
Attorney Docket Number: 305334.01  
Filing Date: January 22, 2004

**PATENT**

call the applicants' attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,  
Microsoft Corporation

Date: May 23, 2007

By: /Sung T. Kim/

Sung T. Kim, Reg. No.: 45,398  
Attorney for Applicants  
Direct telephone: (703) 647-6574  
Microsoft Corporation  
One Microsoft Way  
Redmond WA 98052-6399

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being electronically deposited with the USPTO via EFS-Web on the date shown below:

May 23, 2007  
Date

/Kate Marochkina/  
Signature

Kate Marochkina  
Type or Print Name

Type of Response: Amendment  
Application Number: 10/762,823  
Attorney Docket Number: 305334.01  
Filing Date: January 22, 2004